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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Applicants : LINCOLN, Stephen E. and
KNAPP, Michael R.

Examiner: FREDMAN, Jeffrey N.

Serial No. : 09/618,178

Art Unit: 1655

Filed : 18 July 2000

Title : Automatic Genotype Determination

Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

24 February 2003

Commissioner for Patents
Box RCE
Washington, D.C. 20231

**REPLY TO A FINAL OFFICE ACTION
PURSUANT TO 37 CFR 1.114**

SIR or MADAM:

This is submitted in response to a final Office Action dated 18 January 2002 issued in connection with the patent application identified above. A Notice of Appeal with respect to the outstanding final Office Action was timely submitted to the Patent and Trademark Office with a

Certificate of Mailing Under 37 CFR 1.8

I hereby declare that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, D.C. 20231, on

24 February 2003

Date

David Ellett, Jr. (Reg. No. 27,875)

Applicants: Stephen E. Lincoln and
Michael R. Knapp

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petition for an extension of time by mail with a certificate of mailing on 18 July 2002. The appeal was dated 23 July 2002. Pursuant to a petition for an extension of time submitted herewith, the time for filing an appeal brief in the subject appeal has been set for 23 February 2003, which falls on a Sunday. The present reply to a final Office Action and accompanying Request for Continued Examination (RCE) under 37 CFR 1.114 and petition for extension of time are being submitted by mail with a certificate of mailing on the next business day following the Sunday deadline and therefore are being timely submitted.

A M E N D M E N T S

Please amend the subject application as set forth below.

In the Claims

Amend claims 51, 52, 56, 58, 60, and 62 through 68 inclusive as set forth below (which repeats amendments set forth in a previous reply dated 13 December 2001, but not entered):

Claims 51, 56, 62, 64, and 67, line 1, for "49" substitute - - 72 - - .

Claims 52, 58, 63, 65, and 68, line 1, for "50" substitute - - 74 - - .

Claims 60 and 66, line 1, for "48" substitute - - 72 - - .

Add the following new claims 75 through 95 inclusive.

- -75. (New) A method of determining the genotype at a locus within genetic material obtained from a biological sample, the method comprising:

- D'
- A. reacting the material at the locus to produce a first reaction value indicative of the presence of a given allele at the locus;
 - B. forming a data set including the first reaction value;